

HOUSE JOURNAL

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IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

FIFTY-NINTH LEGISLATIVE DAY
WEDNESDAY, MARCH 11, 2009

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Taleesha Willie, Page.

Approval of Journal

March 11, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Fifty-eighth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

March 10, 2009

Mr. Speaker:

I transmit herewith [SCR 107](#) and [SCR 108](#) which have passed the Senate.

WOOD, Secretary

[SCR 107](#) and [SCR 108](#) were filed for first reading.

March 10, 2009

Mr. Speaker:

I return herewith [HCR 18](#), [HJM 1](#), and [H 123](#) which have passed the Senate.

WOOD, Secretary

[HCR 18](#), [HJM 1](#), and [H 123](#) were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

March 11, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HJM 5](#), [H 226](#), [H 227](#), and [H 228](#).

CLARK, Chairman

[HJM 5](#) was filed for second reading.

[H 226](#) was referred to the Transportation and Defense Committee.

[H 227](#) was referred to the Business Committee.

[H 228](#) was referred to the State Affairs Committee.

March 11, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 45](#) and [H 35](#).

CLARK, Chairman

The Speaker announced he was about to sign enrolled [H 45](#) and [H 35](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

March 11, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed [H 31](#), as amended in the Senate, [H 34](#), as amended in the Senate, [H 79](#), as amended in the Senate, and [H 132](#), as amended in the Senate.

CLARK, Chairman

[H 31](#), as amended in the Senate, [H 34](#), as amended in the Senate, [H 79](#), as amended in the Senate, and [H 132](#), as amended in the Senate, were filed for first reading of engrossed bills.

March 10, 2009

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 212](#), [S 1121](#), and [S 1078](#) and recommend that they do pass.

NONINI, Chairman

[H 212](#), [S 1121](#), and [S 1078](#) were filed for second reading.

March 10, 2009

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [HCR 25](#) and recommend that it do pass.

TRAIL, Chairman

[HCR 25](#) was filed for second reading.

March 10, 2009

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 151](#), [H 205](#), and [H 206](#) and recommend that they do pass.

WOOD, Chairman

[H 151](#), [H 205](#), and [H 206](#) were filed for second reading.

March 10, 2009

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [S 1117](#), [S 1066](#), and [S 1076](#) and recommend that they do pass.

BLOCK, Chairman

[S 1117](#), [S 1066](#), and [S 1076](#) were filed for second reading.

March 10, 2009

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENT, ENERGY, AND TECHNOLOGY, report that we have had under consideration [HCR 28](#) and [H 213](#) and recommend that they do pass.

RAYBOULD, Chairman

[HCR 28](#) and [H 213](#) were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

[SCR 107](#) and [SCR 108](#), by State Affairs Committee, were introduced, read the first time by title, and referred to the State Affairs Committee.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 229 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO MARTIAL LAW; AMENDING SECTION 46-601, IDAHO CODE, TO PROHIBIT ADDITIONAL RESTRICTIONS ON THE LAWFUL POSSESSION, TRANSFER, SALE, TRANSPORT, STORAGE, DISPLAY OR USE OF FIREARMS OR AMMUNITION DURING A STATE OF EXTREME EMERGENCY AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 230 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO PUBLICATION OF PERSONAL SERVICE CONTRACTS; AMENDING SECTION 59-514, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE PUBLICATION OF PERSONAL SERVICE CONTRACTS.

HOUSE BILL NO. 231 BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1342, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN MEMBERS' INITIAL SERVICE RETIREMENT ALLOWANCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 59-1346, IDAHO

CODE, TO REVISE PROVISIONS RELATING TO CERTAIN MEMBERS' ACCRUED RETIREMENT ALLOWANCE.

[H 229](#), [H 230](#), and [H 231](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

First Reading of Engrossed Bills

[H 31](#), as amended in the Senate, by Resources and Conservation Committee, was introduced, read the first time by title, and filed for second reading.

[H 34](#), as amended in the Senate, by Agricultural Affairs Committee, was introduced, read the first time by title, and filed for second reading.

[H 79](#), as amended in the Senate, by Education Committee, was introduced, read the first time by title, and filed for second reading.

[H 132](#), as amended in the Senate, by Transportation and Defense Committee, was introduced, read the first time by title, and filed for second reading.

Second Reading of Bills and Joint Resolutions

[HCR 12](#), [HCR 22](#), and [H 217](#), by State Affairs Committee, were read the second time by title and filed for third reading.

[S 1043](#) and [S 1042](#), by State Affairs Committee, were read the second time by title and filed for third reading.

[S 1062](#), [S 1056](#), as amended, and [S 1003](#), by Judiciary and Rules Committee, were read the second time by title and filed for third reading.

[S 1080](#), by Commerce and Human Resources Committee, was read the second time by title and filed for third reading.

There being no objection, the House advanced to the Twelfth Order of Business.

Consideration of General Orders

Mr. Moyle moved that the House do now resolve itself into a Committee of the Whole House for the consideration of General Orders. Seconded by Mr. Rusche. Motion carried.

Whereupon the House resolved itself into a Committee of the Whole House for the consideration of General Orders with Mr. Bedke in the Chair.

When the Committee of the Whole House rose, the Speaker returned to the Chair and the House was in order.

Report of the Committee of the Whole House

March 11, 2009

Mr. Speaker:

We, your COMMITTEE OF THE WHOLE HOUSE, report that we have had under consideration [H 46](#), [H 73](#), [H 161](#), [H 106](#),

and [S 1004](#) and report them back without recommendation, amended as follows:

HOUSE AMENDMENT TO H.B. NO. 46

AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 7 through 28.

AMENDMENT TO SECTION 2

On page 1, in line 29, delete "SECTION 2." and insert: "SECTION 1."

CORRECTIONS TO TITLE

On page 1, in line 2, delete "AMENDING SECTION 54-3202,"; and in line 3, delete "IDAHO CODE, TO REVISE A DEFINITION; AND".

HOUSE AMENDMENT TO H.B. NO. 73

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 28, delete "to the victim as defined in section 19-5304"; delete line 29 and insert: "as provided in law, or to payments for assessments, treatments, education classes, bad check recovery or other remedial programs".

CORRECTION TO TITLE

On page 1, in line 4, delete "AND" and insert: ","; and also in line 4, following "PENALTIES" insert: "AND TO PROVIDE FOR EXCEPTIONS".

HOUSE AMENDMENT TO H.B. NO. 161

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 22, delete "2"; in line 23, delete "individual or a commercial entity"; in line 24, delete "central"; and in line 25, following "2" insert: "Nothing contained herein relieves an agency's responsibility to report a security breach to the office of the chief information officer within the department of administration, pursuant to the information technology resource management council policies".

CORRECTIONS TO TITLE

On page 1, in line 3, delete "AGENCIES, INDIVIDUALS AND" and insert: "AGENCIES"; in line 4, delete "COMMERCIAL ENTITIES"; and also in line 4, delete "CENTRAL"; and in line 6, following "SECURITY" insert: "AND TO CLARIFY THAT CERTAIN REPORTING REQUIREMENTS CONTINUE TO APPLY TO STATE AGENCIES".

HOUSE AMENDMENT TO H.B. NO. 106

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 17, delete "~~OR~~" and insert: "OR"; in line 18, delete "OR OTHER PROFESSIONALS"; in line 20, delete "~~2~~ ~~or~~" and insert: "or"; delete line 21; in line 22, delete "condition"; in line 25, delete "~~or~~" and insert: "or"; also in line 25, delete "or other"; and in line 26, delete "professional".

CORRECTIONS TO TITLE

On page 1, in line 2, following "CODE," delete "TO"; delete lines 3 through 5; and in line 6, delete "CONDITION OF THE DEFENDANT AT SENTENCING AND".

HOUSE AMENDMENT TO S.B. NO. 1004

AMENDMENT TO SECTION 2

On page 2 of the printed bill, in line 22, delete "including:" and insert: "2"; and delete lines 23 through 36.

BEDKE, Chairman

Mr. Bedke moved that the reported be adopted. Seconded by Mr. Rusche.

Whereupon the Speaker declared the report adopted.

[H 46](#), as amended, [H 73](#), as amended, [H 161](#), as amended, and [H 106](#), as amended, were referred to the Judiciary, Rules, and Administration Committee for engrossing.

[S 1004](#), as amended in the House, was filed for first reading.

The amendments were referred to Judiciary, Rules, and Administration committee for printing.

There being no objection, the House returned to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

[H 155](#), as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Labrador to open debate.

Mr. Crane asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of [H 155](#), as amended. There being no objection it was so ordered.

The question being, "Shall [H 155](#), as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bayer, Bell, Black, Boyle, Burgoyne, Crane, Eskridge, Gibbs, Hagedorn, Hart, Jarvis, Kren, Labrador, Luker, Mathews, McGeachin, Moyle, Palmer, Roberts, Shepherd(02), Shepherd(08), Simpson, Smith(24), Stevenson, Takasugi, Thayn, Thompson, Wills, Wood(35). Total – 31.

NAYS – Barrett, Bedke, Bilbao, Block, Boe, Bolz, Chadderdon, Chavez, Chew, Clark, Collins, Cronin, Durst, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Lake, Loertscher, Marriott, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Ruchti, Rusche, Saylor, Schaefer, Shirley, Smith(30), Trail, Wood(27), Mr. Speaker. Total – 39.

Total – 70.

Whereupon the Speaker declared that [H 155](#), as amended, failed to pass the House and ordered the bill filed in the office of the Chief Clerk.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Thursday, March 12, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:23 p.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk